

**CATHERINE SHERARD LUNN,**  
  
**Plaintiff,**  
  
**vs.**  
  
**VETERANS AFFAIRS HOSPITAL,**  
  
**Defendant.**

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**CASE NO. 3:10-1079**  
**JUDGE TRAUGER/KNOWLES**

Complaint, in full, are as follows:

during my first year of employment, I was absent due to maternity leave, Mason (baby) was admitted to Vanderbilt Children's in ICU, I have complication due to the delivery of Mason & intestinal issues, had a miscarriage, right knee surgery . . .

I was told that I had 12 weeks of maternity leave. (I took 7 weeks off.) When my yearly evaluation was due everything was well; except my phlebotomy skills. I am willing to go through a phlebotomy certification course, because I know a skill can be taught/learned.

Originally I was employed for 4n and the VA placed me in the out patient lab on the 1<sup>st</sup> day. My knowledge, skills, and abilities exceed this position but, I was willing to work.

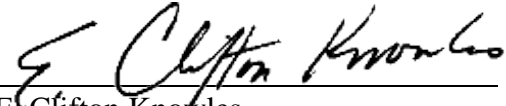
[Add ii and iii].

Title VII prohibits discrimination in employment based upon an employee's race, color, sex, religion or national origin. 42 U.S.C. § 2000e-2. Plaintiff does not allege that any adverse actions were taken against her on the basis of any of the classifications set forth in Title VII. In fact, Plaintiff's Complaint does not even allege that any adverse employment actions were taken against her at all.

For the foregoing reasons, Plaintiff has failed to state a claim upon which relief can be granted, and the undersigned recommends that this action be DISMISSED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this

Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985),  
*reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
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E. Clifton Knowles  
United States Magistrate Judge